REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 10, 14-15, 17, 21 and 24 have been amended to present the claims in better form for allowance and for possible consideration on appeal. Applicant respectfully requests the Examiner to accept the proposed amendments. No claims have been cancelled. No new claims have been added. Therefore, claims 1-26 are now are presented for examination.

35 U.S.C. § 102(b) Rejection

Claims 1, 3-4, 6, 9-13, 15-21 and 23-26 stand rejected under 35 U.S.C. §102(b) as being anticipated by Fee et al., U.S. Patent No. 5,522,042 ("Fee").

Applicant submits that Fee discloses ". . . allocating *the performance of applications in a networking chassis* among one or more modules in the chassis. In particular, the system acts as a chassis agent for *performing network management functions*. The agent performs a discovery function whereby each module discovers the location and current utilization of resources and applications for itself and transmits that information to other modules, and wherein each module maintains a slot table of such information for all modules. Based on the information in the slot table, each module performs *an election function for allocating applications among the various modules in the chassis.*" (abstract, lines 1-12; emphasis provided).

In contrast, claim 1, in pertinent part, recites "electing a second server automatically as the active manager server to replace the first server as the active manager server . . . and redirecting requests for the first server to the second server." (emphasis provided). Applicant submits Fee does not teach or reasonably suggest such a

feature. Fee discloses that "*[c]ertain applications* need to be supported by the chassis . . . [and] an election process is required to discover *the best location on which to run the chassis* application." (col. 7, lines 48-53; emphasis provided). There is no teaching or reasonable suggestion of "electing a second server automatically as the active manager server to replace the first server as the active manager server . . . and redirecting requests for the first server to the second server" as recited by claim 1. (emphasis provided). Stated differently, Fee selects the best location to run an application within a chassis, while claim 1 recites electing the best server to replace the failed server and then redirecting any requests for the failed server to the newly elected server. (see claim 1). Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 1 and its dependant claims.

Claims 10, 17, 21 and 24 contain limitations similar to those of claims 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 10, 17, 21 and 24 their dependent claims.

35 U.S.C. § 103(a) Rejections

Claims 2 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fee.

With regard to claims 2 and 22, they depend from independent claims 1 and 24 and thus, include the limitations of the independent claim from which they depend. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 2 and 22.

Claims 5 and 7-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fee, and in view of Fung, U.S. Patent Application Publication 2002/0062454 ("Fung").

With regard to claims 5 and 7-8, they depend from independent claim 1 and thus, include the limitations of claim 1. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 5 and 7-8.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.
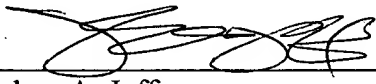
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: July 21, 2005

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